

**UNITED STATES DISTRICT COURT IN CLERKS OFFICE
DISTRICT OF MASSACHUSETTS**

FILED
2003 DEC 15 P 12:44

IN RE: ANDREW J. LETOURNEAU

**BANKRUPTCY APPEAL
U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION NO. 03-40272**

**APPELLANTS' ASSENTED TO MOTION TO
EXTEND TIME FOR FILING BRIEFS**

Pursuant to Local Rule 203 (B) (Bankruptcy Appeals), appellants Andrew J. Letourneau and Pauline M. Letourneau, with the assent of the plaintiff Trustee, respectfully request this Court to modify the briefing schedule set forth in its Order dated December 3, 2003 (Gorton,D.J.) as follows: (1) Appellants' brief shall be filed within twenty-one (21) days from the date of transmission of the transcript by United States Bankruptcy Court; (2) Appellee's brief shall be filed and served within fifteen (15) days after service of Appellants' brief; and (3) Appellants' reply brief shall be filed and served within ten (10) days after service of Appellee's brief. In support of this Motion, appellants state as follows:

1. By letter dated November 20, 2003 (Exhibit A), court reporter Leah DiDonato of GCI Transcription Services advised Appellants' counsel that there would be a thirty (30) day turnaround time from the date of receipt of payment to obtain the transcript of the trial held in U.S. Bankruptcy Court.
2. By letter dated November 25, 2003 (Exhibit B), Appellants' counsel requested the above-referenced transcript from Ms. DiDonato.
3. Based upon Ms. DiDonato's time projections, Appellants' counsel would not receive the

transcript until on or about December 28, 2003, well after the deadline set forth in the Court's December 3, 2003 Order.

4. Appellants' counsel needs the above-requested extension of time to study the transcript and to prepare Appellants' brief.

5. It is in the interest of justice that this Court should allow these extensions of time to file appellate briefs.

6. Plaintiff has assented to this Motion.

Dated: December 12, 2003

Respectfully submitted ,

Joseph P. Bernardo

Joseph P. Bernardo
Counsel for Appellants
BBO # 040800
655 Boston Road-Unit 3B
Billerica, MA 01821
Tel. (978) 667-1565
Fax: (978) 667-3686

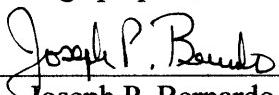
ASSENTED TO:

Nora K. McLaughlin (J.P.B.)

Nora K. McLaughlin
Counsel for Plaintiff
BBO # 371920
Nickless and Phillips, P.C.
495 Main Street
Fitchburg, MA 01420
Tel. (978) 342-4590

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by first class mail, postage prepaid, on December 12, 2003.



Joseph P. Bernardo

EXHIBIT "A"

Nov. 20, 2003

Mr. Bernardo,

I received your request for a transcript in the Letourneau case. A check for payment is required prior to transcribing the hearing. An expedited transcript is \$478.00. This is a ten day turnaround from the day I receive the check. A regular transcript is \$313.50 and this is a thirty day turnaround. The check is to be made payable to GCI Transcription Services and sent to my attention at the U.S. Bankruptcy Court, 595 Main St., Worcester, MA 01608.

Thank You,
Leah DiDonato
508-770-8932

— EXHIBIT "B" —

**JOSEPH P. BERNARDO
ATTORNEY AT LAW
655 Boston Road-Unit 3B
Billerica, MA 01821
Tel. (978) 667-1565
Fax. (978) 667-3686**

November 25, 2003

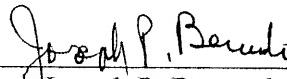
Ms. Leah Di Donato
United States Bankruptcy Court
Harold D. Donahue Federal Building & Courthouse
595 Main Street
Worcester, Massachusetts 01608-2076

Re: Nickless v. Letourneau
Adversary Proceeding No. 03- 4058

Dear Ms. Di Donato:

Enclosed please find my check in the amount of \$313.50 made payable to the order of GCI Transcription Services. Kindly send me the transcript for the above-referenced proceedings as soon as it is available. According to your letter dated November 20, 2003, I understand that there is approximately a thirty-day turnaround time. Thank you very much for your prompt attention to this matter.

Very truly yours,



Joseph P. Bernardo